

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-30 are pending in the present application. Claims 1, 9, 14, 15, 20, and 27 have been amended. Claims 1, 9, and 20 are independent claims. The Examiner is respectfully requested to reconsider the outstanding rejections in view of the above amendments and the following remarks.

Allowable Subject Matter

It is gratefully acknowledged that the Examiner considers the subject matter of claims 6, 17-19, 21-23, and 29 as being allowable if rewritten in independent form. However, these claims have not been amended into independent form because Applicants earnestly believe these claims are dependent on allowable independent claims, for reasons discussed below.

Drawings

It is gratefully acknowledged that the Examiner has accepted the Formal Drawings filed on June 23, 2004. Thus, no further action is necessary.

Acknowledgment of Information Disclosure Statement

The Examiner has acknowledged the Information Disclosure Statement filed on May 6, 2004. An initialed copy of the PTO-1449 has been received from the Examiner. No further action is necessary at this time.

Claim Objections

Claim 14 was objected to because it appears to the examiner that the word “and” in line 3 should be replaced with --or--. For purposes of clarification, claim 14 has been amended to recite, “one or more fuses, each connected in series with the first or second ORing diode.” In view of this amendment, Applicants respectfully request the examiner to withdraw this objection.

The Examiner also objected to the claims because the word “Schotky” should be replaced with --Schottky--. This amendment has been made to claims 15 and 27 above.

Rejection Under 35 U.S.C. § 102

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,027,002 to Thornton. Furthermore, claims 1-3 stand rejected under § 102(b) as being anticipated by U.S. Patent No. 5,726,506 to Wood (hereafter “Wood”). Also, claims 1, 2, and 7-9 stand rejected under § 102(e) as being anticipated by U.S. Patent No. 6,856,045 to Beneditz et al. (hereafter “Beneditz”). These rejections, insofar as they pertain to the presently pending claims, are respectfully traversed.

Initially, Applicants respectfully refer the Examiner to MPEP § 2131, which sets forth the following:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. V. Union Oil Co. Of California*, 814 F2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claims.” *Richardson v. Suzuki Motor Co.*, 868 F2d 1226, 1236, 9 USQP2d 1913, 1920 (Fed. Cir. 1989).

It is respectfully submitted that the references cited by the Examiner do not set forth each and every element as defined in the claims. Thus, the §102 rejections have been obviated.

Claims 1-3 and 7

Particularly, as amended, independent claim 1 recites a redundant power supply device that outputs a primary logic supply voltage signal and backup logic supply voltage signal to a component in the electrical system. Amended claim 1 further recites that the voltage level of the primary voltage signal is higher than the backup voltage signal.

Beneditz is Deficient

There is no teaching or suggestion, nor does the Examiner assert there is a teaching or suggestion, in Beneditz of outputting multiple logic supply voltage signals of different voltage levels.

Thornton and Woods are Deficient

The Examiner admits that Thornton and Woods do not teach a power supply device configured so that a voltage level of the primary logic supply voltage is higher than a voltage level of the backup logic supply voltage signal (see Office Action at page 8, second paragraph).

However, in the § 103 rejections, the Examiner asserts that it would have been obvious to one of ordinary skill in the art to have power supplies with different power ratings in order to “provide a better redundancy in the system, thus increasing the safety and reliability of the system, since power of different ratings and different sources are feeding the system” (*Id.*). Applicants respectfully disagree with the Examiner’s assertions.

Initially, Applicants disagree with the Examiner’s assertion that it would have been obvious to use power supplies with different ratings. The Examiner’s only support for this statement is that “since power supplies could come from batteries, generators or converters[,] their ratings could be different” (*Id.*). The Examiner has failed to point out any teaching or suggestion in Thornton or Wood of implementing different types of power supplies with different ratings in the same device.¹

However, even assuming for the sake of argument there was a teaching or suggestion in Thornton and Wood to implement different power supplies with different ratings, this does not mean they would necessarily output different voltage levels. A power supply’s output rating

¹ Applicants note that Wood refers to +5V and +12V voltage levels. However, Wood teaches that these different voltage levels are distributed according to separate subsystems. For example, Wood teaches that the distribution subsystem in Fig. 1 distributes the +5V level, while another identical subsystem is used for distributing the +12V level. See col. 4, lines 20-34.

merely indicates the amps available at different voltage levels (i.e., the output wattage level). Thus, different power supplies with different output ratings can output the same voltage levels at different amps.

Applicants respectfully submit that Thornton and Wood fail to teach or suggest a redundant power supply device that outputs a primary logic supply voltage signal and backup logic supply voltage signal, at different voltage levels, to a particular component. Thus, the Examiner has failed to provide a teaching or suggestion in the applied references of each and every feature in claim 1, as required for a rejection under § 102 or § 103.

Claims 1-3 and 7 are Allowable

Applicants respectfully submit that claim 1 is allowable at least for the reasons set forth above. Accordingly, claims 2, 3, and 7 are allowable at least by virtue of their dependency on claim 1. Thus, the Examiner is respectfully requested to reconsider and withdraw the rejections of claims 1-3 and 7.

Claim 9

As amended, claim 9 recites, “the fault tolerance module is configured to allocate the one of the first and second voltage signals as the logic supply voltage based on a difference in voltage levels between the first and second voltage signals.”

Claim 9 has been rejected as being anticipated by Beneditz. However, there is no teaching or suggestion, nor does the Examiner assert there is any teaching or suggestion, in Beneditz of the aforementioned claim feature. Thus, Applicants respectfully submit that claim 9 is in condition for allowance. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claim 9.

Rejection Under 35 U.S.C. § 103

Initially, Applicants point out the following requirements for a proper rejection under 35 U.S.C. § 103. As discussed in MPEP § 2143.03,

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.
In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Furthermore, it is established U.S. case law that a § 103 rejection cannot be based on a hindsight reconstruction of the prior art with the Examiner relying on the Applicant's own disclosure for providing the motivation to make the modification. See *C.R. Bard, Inc. v. M3 Systems, Inc.*, 48 USPQ2d 1225 (Fed. Cir. 1998); *Interconnect Planning Corp. v. Feil*, 227 USPQ 543 (Fed. Cir. 1985); *In re Rouffet*, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998). Instead, there must be evidence of a suggestion or motivation to modify the prior art references. *In re Dembiczaik*, 50 USPQ2d 1614 (Fed. Cir. 1999). Such motivation may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or in some cases, from the nature of the problem to be solved. *Dembiczaik*, at 1617

Claims 4 and 5

Claims 4 and 5 stand rejected under § 103(a) as being unpatentable over Thornton in view of Wood. However, claims 4 and 5 are dependent upon base claim 1. As discussed above, Applicants respectfully submit that independent claim 1 is allowable because the Examiner has failed to provide a teaching or suggestion in the applied references of each and every feature. Furthermore, the Examiner has failed to provide any evidence that one of ordinary skill in the art would have been motivated to modify Thornton/Wood to incorporate the missing features. Thus, Applicants respectfully submit that claims 4 and 5 are allowable at least by virtue of their dependency on claim 1. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 10, 11, 20, 24, 28, and 30

Claims 10, 11, 20, 24, 28, and 30 stand rejected under § 103 as being unpatentable over Beneditz. This rejection is respectfully traversed.

Claims 10 and 11

As to claims 10 and 11, Applicants point out that these claims are dependent on claim 9. Since amended claim 9 is allowable over Beneditz, for reasons discussed above, Applicants respectfully submit that claims 10 and 11 are allowable at least by virtue of their dependency on claim 9. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 10 and 11.

Claims 20, 24, 28, and 30

Claims 20, 24, 28, and 30 stand rejected under § 103 as being unpatentable over Beneditz in view of Thornton.

As amended, independent claim 20 now recites that the interface is configured to allocate one of the redundant DC supply voltages as a logic supply voltage for the digital logic device based on a difference in voltage levels between the redundant DC supply voltages. Applicants respectfully submit that Beneditz does not teach or suggest this feature.

Thus, Applicants respectfully submit that claim 20 is allowable, and claims 24, 28, and 30 are allowable at least by virtue of their dependency on an allowable claim. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 24, 28, and 30.

Claims 12-16 and 25-27

Claims 12-16 and 25-27 stand rejected under § 103 as being unpatentable over Beneditz in view of Thornton. Applicants respectfully submit that independent claims 9 and 20 are

Application No. 10/774,251
Amendment filed September 27, 2006
Reply to Office Action of June 27, 2006

Honeywell No. H0004189-3134
Docket No.: 2929-0209P

allowable over Beneditz for reasons set forth above. Furthermore, Applicants respectfully submit that the Thornton fails to remedy the deficiencies of Beneditz. Accordingly, Applicants respectfully submit that claims 12-16 and 25-27 are allowable at least by virtue of their dependency on claims 9 and 20. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

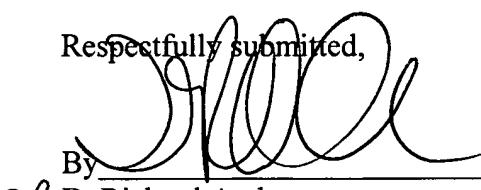
Conclusion

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: September 27, 2006

Respectfully submitted,

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